

Smith, Michael

From: Golden, Holly Kathy [HGOLDEN@travelers.com]
 Sent: Tuesday, March 29, 2011 6:24 AM
 To: Smith, Michael
 Cc: Salvio, Kathleen
 Subject: HB 6556 and HB 6091 Golden versus Golden case no TTD-FA02-0079180-S

Importance: High

Good Morning Michael,

Per our conversation yesterday, I would like to offer the following testimony for hearing dated 3/30/11 regarding HB 6556:

I would like to see the language of proposed HB 6091 to be incorporated into raised HB 6556 as my personal case is a civil versus a criminal case. I have been divorced since 2003. However, I still have to attend post-divorce motions filed by my ex-husband even if they do not have merit or validity and I've been forced to defend myself. Rene Golden is allowed to file the motions and the court does not screen them. They assign court dates and I have to attend the hearings. We have been going around in circles for the past few years. My ex-husband has been using Rockville Superior Court to harass me. He thinks he's on a date whenever we go to court. My legal fees have, most likely, been in excess of \$100,000. I'm a single, working mom and I have 2 adopted children to support.

Please feel free to review the Golden versus Golden Case Detail. Let me know if you need anything else.

Thank you for the opportunity to be heard.

Holly Golden

From: Golden, Holly Kathy
 Sent: Tuesday, March 29, 2011 5:13 AM
 To: Golden, Holly Kathy
 Subject: Emailing: AN ACT CONCERNING CIVIL ACTIONS AND SUBPOENAS FILED TO HARASS AN INDIVIDUAL OR AFTER NUMEROUS ACTIONS AGAINST THE INDIVIDUAL HAVE BEEN DISMISSED..htm



General Assembly
 January Session, 2011

Raised Bill No. 6556

LCO No. 4212



Referred to Committee on Judiciary

Introduced by:
 (JUD)

AN ACT CONCERNING CIVIL ACTIONS AND SUBPOENAS FILED TO HARASS AN INDIVIDUAL OR AFTER NUMEROUS ACTIONS AGAINST THE INDIVIDUAL HAVE BEEN DISMISSED.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2011) (a) (1) No civil action shall be filed by a person who has been convicted of a crime committed against the defendant in such civil action unless the complaint or initial pleading contains a certificate, signed and sworn to by the attorney or party filing the action, that a reasonable inquiry has been made and that, in the opinion of the attorney or party, there are grounds for a good-faith belief that such action has merit and that such action is not being filed for a malicious purpose or solely to harass the defendant.

(2) No civil action shall be filed by a person who has had three or more prior complaints or appeals against the defendant in such civil action dismissed by a state or federal court on the grounds that such complaints or appeals were frivolous or malicious or failed to state a claim upon which relief may be granted unless the complaint or initial pleading contains a certificate, signed and sworn to by the attorney or party filing the action, that a reasonable inquiry has been made and that, in the opinion of the attorney or party, there are grounds for a good-faith belief that such action has merit and that such action is not being filed for a malicious purpose or solely to harass the defendant.

(3) Such certificate shall include a detailed basis for the formation of such opinion.

(b) Upon the filing of the complaint or initial pleading with such certificate, the court shall stay all proceedings against the defendant. If the court finds, after review of the

3/29/2011

certificate and such other information as it deems relevant to its review, that the plaintiff has been convicted of a crime of which the defendant is a victim, or has had three or more prior complaints or appeals against the defendant dismissed on such grounds, and that the pending civil action is without merit and brought with a malicious purpose or solely to harass the defendant, the court, on motion of the defendant or on its own motion, may dismiss such action and may impose upon the attorney or party filing the action, or both, an appropriate sanction which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the civil action, including a reasonable attorney's fee. The court may also submit the matter to the appropriate authority for disciplinary review of the attorney if the party's attorney submitted the certificate.

(c) For the purposes of this section, "crime" includes, but is not limited to, a family violence crime, as defined in section 46b-38a of the general statutes.

Sec. 2. Section 52-161b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2011*):

(a) A [pro se litigant in any] party in a civil matter, including a habeas corpus proceeding, shall notify the clerk of the court if such [litigant] party has been convicted of a family violence crime, as defined in section 46b-38a, or a violation of section 53-21, 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a, 53a-72b, 53a-73a, 53a-181c, 53a-181d or 53a-181e, and if the subject of a subpoena to be issued by such [litigant] party in such matter is the victim of the crime for which such [litigant] party was convicted.

(b) A [pro se litigant] party who has been convicted of [said] a family violence crime or a violation of any of said sections shall not issue a subpoena summoning a victim of the crime for which such [litigant] party was convicted to appear and testify at a court hearing or deposition in any civil matter, including a habeas corpus proceeding, unless a court authorizes the issuance of such subpoena in accordance with subsection (c) of this section.

(c) Whenever such [pro se litigant] party intends to issue a subpoena to any such victim, such [litigant] party shall provide the clerk of the court with notice of such intention. Upon receipt of such notice, the clerk of the court shall schedule a hearing and provide notice to [the pro se litigant] such party of the date, time and place of such hearing. At such hearing, [the pro se litigant] such party shall make an offer of proof as to the content of the testimony expected to be given by the victim. If the court finds that the testimony expected to be given by the victim is relevant and necessary to the civil matter, the court shall authorize [the pro se litigant] such party to issue such subpoena to such victim. The scope of such [litigant's] party's examination of the victim shall be limited in accordance with the court's findings on the offer of proof.

Sec. 3. (NEW) (*Effective October 1, 2011*) (a) A party in a civil matter, including a habeas corpus proceeding, shall notify the clerk of the court if the party has had three or more prior complaints or appeals against the defendant in the civil matter dismissed by a state or federal court on the grounds that such complaints or appeals were frivolous or malicious or failed to state a claim upon which relief may be granted.

(b) A party who has had three or more prior complaints or appeals against the defendant dismissed on such grounds shall not issue a subpoena summoning the defendant to appear and testify at a court hearing or deposition in any civil matter, including a habeas corpus proceeding, unless a court authorizes the issuance of such subpoena in accordance with subsection (c) of this section.

(c) Whenever such party intends to issue a subpoena to any such defendant, such party shall provide the clerk of the court with notice of such intention. Upon receipt of such notice, the clerk of the court shall schedule a hearing and provide notice to such party of the date, time and place of such hearing. At such hearing, such party shall make an offer of proof as to the content of the testimony expected to be given by the defendant. If the court finds that the testimony expected to be given by the defendant is relevant and necessary to the civil matter, the court shall authorize such party to issue such subpoena to such defendant. The scope of such party's examination of the defendant shall be limited in accordance with the court's findings on the offer of proof.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2011 | New section |
| Sec. 2 | October 1, 2011 | 52-161b |
| Sec. 3 | October 1, 2011 | New section |

Statement of Purpose:

To protect crime victims, and individuals against whom multiple civil actions have been filed and dismissed, by establishing standards for plaintiffs who initiate civil actions against such victims and individuals, and to make standards concerning subpoenas in civil actions against crime victims applicable to all plaintiffs, rather than limiting such provisions to pro se litigants as currently provided.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



General Assembly
January Session, 2011

Proposed Bill No. 6091
LCO No. 1789

Referred to Committee on Judiciary

Introduced by:

REP. DARGAN, 115th Dist.

AN ACT CONCERNING COURT ACTIONS FILED TO HARASS, STALK OR BANKRUPT AN INDIVIDUAL

Be it enacted by the Senate and House of Representatives in General Assembly convened:

3/29/2011

That title 51 of the general statutes be amended to (1) permit an individual, including, but not limited to, a victim of domestic violence or other crime, to file a written request with the Judicial Department that Judicial Department staff monitor the frequency and validity of actions filed in the Superior, Appellate and Supreme Courts against the individual in order to prevent the state courts from being used to harass, stalk or bankrupt the individual, and (2) require the judges of the Superior Court to adopt rules concerning the filing of actions by any person who has been determined to have filed an action to harass, stalk or bankrupt an individual, which rules may include, but need not be limited to, rules limiting the number of actions such person may file annually and defining the grounds upon which such actions may be filed.

Statement of Purpose:

To prevent the state judicial system from being misused and to protect victims of domestic violence and other crimes from being harassed, stalked or unjustifiably bankrupted through the courts.

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This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee.